REMARKS

These remarks are responsive to the Final Office Action dated January 22, 2009. Currently, claims 32, 33, 38-66, and 69-71 are pending with claims 32, 38-41, 60, 61, and 71 being independent. Claims 1-31, 34-37, and 67-68 have been previously cancelled without prejudice or disclaimer. Claims 61 and 71 are withdrawn from consideration. No new matter has been added.

Interview Request

Applicants respectfully request an opportunity to discuss with the Examiner the claims in the present application and the references cited by the Examiner in rejecting the claims. A copy of an interview request form (PTO-413A) is being submitted along with this response. Applicants respectfully request the Examiner to contact the undersigned Applicants' representative with date and time that would be convenient to the Examiner to discuss the present application.

35 U.S.C. 103

In the Final Office Action, the Examiner maintained her rejections of claims 32-33, 38-60, 62-66 and 69-70 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,978,804 to Dietzman (hereinafter, "Dietzman") in view of U.S. Patent Publication No. 2007/0192287 to Rothwein et al. (hereinafter, "Rothwein"). Applicants respectfully disagree and again traverse this rejection.

Claim 41 recites, *inter alia*, a computerized method for managing taxonomic information to facilitate retrieval of information including providing a database including: a names table in which each entry associates a character string with a name identifier; a taxon table in which each entry associates a name identifier with a taxon identifier; and a database of classifications that accommodates alternative classifications, the database including: a reference table in which each entry associates a classification identifier with a taxon that represents the root of the classification; and a classification table in which each entry associates a taxon identifier with a classification identifier, a relationship attribute, and a second taxon identifier; identifying a name that specifies an organism; based on the name and the database of classifications, determining a classification for the organism; and retrieving information based on at least the name.

In the Final Office Action, the Examiner stated that Dietzman discloses all elements of claim 41 except that it does not disclose the steps of:

> a reference table in which each entry associates a classification identifier with a taxon that represents the root of the classification; and
> a classification table in which each entry associates a taxon identifier with a classification identifier, a relationship attribute, and a second taxon identifier;
> identifying a name that specifies an organism;
> based on the name and the database of classifications, determining a classification for the organism; and
> retrieving information based on at least the name." (Final Office Action, page 4).

The Examiner additionally asserts that "[a]lthough Dietzman does not explicitly teach the name of a particular reference table and classification table, technically it must have those tables in order to implement the multiple classification structure." (Final Office Action, page 9).

The Examiner further stated that Rothwein teaches these steps and that "[a]lthough Rothwein does not have the exact claimed elements such as reference table, classification table, and taxon identifier, etc....it is submitted that these terms are merely nonfunctional descriptive material and is not functionally involved in the recited claims." (Final Office Action, page 5). Further, the Examiner stated that

> "Rothwein teaches a reference table in which each entry associates a classification identifier with a taxon that represents the root of the classification as an item to have the attributes necessary to describe the item, associates itself with a particular class. The object is identified as an item ABC. ABC can be the model number or other reference number related to particular item (i.e., classification identifier)... and class association...Rothwein further teaches a classification table in which each entry associates a taxon identifier with a classification identifier, a relationship attribute, and a second taxon identifier as table 7, (i.e., classification table) contains attributes associated with each class...and certain attribute relationships." (Final Office Action, pages 9-10).

The Examiner also states that "[a]lthough Rothwein does not have the exact claimed elements such as reference table, classification table, and taxon identifier etc... it is submitted that these terms are merely nonfunctional descriptive material and is not functionally involved in the recited claims." (Final Office Action, page 5). The Examiner further alleged that "Dietzman and Rothwein in combination would have provided the structure and functionally interrelationship to achieve the claimed invention." (Final Office Action, page 5). The Examiner additionally alleges that "[a]ll the claimed elements were known in the prior art and one skilled

in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yielded predictable results to one of ordinary skill in the art [at] the time the of the invention." (Final Office Action, page 6). Applicants respectfully disagree and again traverse this rejection.

According to MPEP 2143:

> To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.
>
> The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). (emphasis supplied).

Applicants respectfully reiterate and incorporate by reference their arguments submitted on October 17, 2008 in response to the prior Office Action.

Applicants further submit that the Examiner failed to respond to each and every traversal presented by Applicants in their October 17, 2008 response, contrary to the requirements of MPEP 707.07(f):

> In order to provide a complete application file history and to enhance the clarity of the prosecution history record, an examiner must provide clear explanations of all actions taken by the examiner during prosecution of an application.
>
> Where the requirements are traversed, or suspension thereof requested, the examiner should make proper reference thereto in his or her action on the amendment.
>
> Where the applicant traverses any rejection, the examiner should, if he or she repeats the rejection, take note of the applicant's argument and answer the substance of it.

Specifically, Applicants respectfully traversed Examiner's statement that "...it is submitted that these [reference table, classification table, and taxon identifier etc.] terms are merely nonfunctional descriptive material and is not functionally involved in the recited claims." (April 17, 2008 Office Action, pages 5-6 and Final Office Action, page 5). As Applicants previously submitted, these elements provide linkage between other elements in the process of retrieval of information recited in claim 41. Specifically, according to the claimed method of the

present invention, the information is retrieved based on the name specifying an organism. Using the provided name and the database of classification, a classification of an organism is determined, where the classification database includes a reference table that associates a classification identifier with a taxon representing the root of classification. The classification database also includes a classification table that associates a taxon identifier with a classification identifier, a relationship attribute, and a second taxon identifier. The taxon identifier, in turn, is associated with a name identifier using a taxon table, where the names table associates name identifier with character strings. As such, each element recited in claim 41 is functionally linked to another element, thereby providing the claimed method for retrieving information. None of the elements are "nonfunctional descriptive" or "not functionally involved." The Examiner failed to address this traversal in the Final Office Action and as such, the finality of the January 22, 2009 Office Action is improper and the Examiner is requested to reconsider and withdraw her rejection as well as the final of this Final Office Action.

Additionally, the references, Dietzman and Rothwein, as cited by the Examiner in support of her rejections fail to address the alleged "non-functional" nature of the elements recited in claim 41.

As understood and as previously stated by Applicants, Dietzman relates to an integrated computer database system for the processing of information on natural product chemistry, biological activity, and biodiversity to enable creation of custom taxonomic schemes, etc. (Dietzman, Col. 1, lines 10-13). The system includes means for processing natural products images and correlating the natural products images with the natural products data. (Dietzman, Col. 3, lines 11-12). Further, Dietzman means for correlating natural products data and natural products images with remote databases form correlated data storage in the memory. (Dietzman, Col. 3, lines 12-16). Additionally, the correlating means correlate remote databases based on either a genus species identification, chemical abstracts registry number or the national oceanographic data center taxonomic code or serial number. (Dietzman, Col. 3, lines 41-45). Dietzman discloses a natural products information system ("NAPIS") that includes a phylogenetic structure database engine ("PSDE") that provides structure to genus species lists that are obtained from outside sources and incorporates multiple classification schemes, where NAPIS uses linkage on genus species name, chemical abstracts registry number, or the national oceanographic data center taxonomic code. (Dietzman, Col. 6, lines 20-61). As such, Dietzman

directly links genus and species names, without providing the classification database structure recited in claim 41. Instead, Dietzman is concerned with associating images with products data. (Dietzman, Col. 3, lines 7-16). Dietzman accomplishes this by using its correlating means that uses genus-species identification, Chemical Abstracts Registry Number, or National Oceanographic Data Center Taxonomic Code or Serial No. (Dietzman, Col. 3, lines 37-45). Thus, given an image, Dietzman will retrieve the information by simply going down a path from the genus to the species. This is different from the present invention's classification database that uses a reference table and a classification table, which implements a complex structure using a taxon identifier, a classification identifier, a relationship attribute, and a second taxon identifier to retrieve information based on the provided name, as recited in claim 41.

Dietzman (or Rothwein, cited to allegedly cure the deficiencies of Dietzman) fails to provide any description as to how its NAPIS system or PSDE engine identify that genus "Xestospongia" is classified in four different ways, except that it states that it includes "standard checklists" based on taxonomic code that provides interface to commercial databases linkage of genus-species names. (Dietzman, Col. 21, lines 35-39). As such, Dietzman fails to provide disclosure of the classification database recited in claim 41. The Examiner erroneously conjectures that "technically [Dietzman] must have those [reference table and classification table] in order to implement the multiple classification structure." (Final Office Action, page 9). This is clearly improper, given that Dietzman lacks adequate disclosure to support such statement, contrary to the requirements of MPEP 2144 et seq. The Examiner is requested to provide support for her statement. Dietzman further fails to provide any teaching or suggestion that there should be such a classification database structure, as recited in claim 41. The Examiner further admits that the elements of the classification database as well as use of the classification database along with the provided name of the organism to retrieve information about the organism are not disclosed in Dietzman, yet the Examiner appears to contradict herself by stating that Dietzman "must have those in order to implement the multiple classification structure." It appears that the Examiner is mistakenly relying on the similar sounding terms in the present invention and Dietzman, rather than substantive disclosure, to reject claims of the present application, which is also improper. As stated above, Dietzman fails to disclose the classification database and using it to determine classification for the organism and retrieve information based on at least the name of the organism, as recited in claim 41.

As previously stated by Applicants, Rothwein fails to cure the deficiencies of Dietzman. Like Dietzman, Rothwein also fails to disclose, teach or suggest the classification database recited in claim 41. Since both cited references fail to disclose, teach or suggest the classification database and its use to determine classification for an organism and retrieve information based on at least the name of the organism, as recited in claim 41, their combination also fails to disclose, teach or suggest all elements of claim 41. Hence, contrary to the Examiner's suggestion (see, Final Office Action, page 11), Applicants are not addressing Dietzman and Rothwein individually, but pointing out that both reference and hence, their combination, suffer from the same drawbacks and lack of disclosure to support Examiner's rejection. In the Final Office Action, the Examiner appears to quote Applicants' arguments from their October 17, 2008 Response, but does not provide a substantive response to this traversal, which is again contrary to the requirements of MPEP. Thus, Applicants respectfully request withdrawal of Examiner's rejections and the finality of the present Final Office Action.

With regard to Rothwein, it appears that this references discloses a hierarchical class architecture of objects. (Rothwein, Abstract). Rothwein further describes a system where each specific object is identified using specific attributes, for example, object "ABC" has a motor of "inline 6", color "blue", wheels "13 inch", transmission "automatic", etc.. (Rothwein, page 3, Table 4). Thus, each object ABC has an attribute from each of the above categories. (Rothwein, page 4, Table 7). No alternative classifications are presented in Rothwein, i.e., each object is uniquely identified by name, class, attribute, etc. Further, it appears that Rothwein's separate classes are represented by separate hierarchies. However, Rothwein, similarly to Dietzman, fails to disclose, teach or suggest a database of classifications that accommodates alternative classification, the database including a reference table in which each entry associates a classification identifier with a taxon that represents the root of classification, and a classification table in which each entry associates a taxon identifier with a classification identifier, a relationship attribute, and a second taxon identifier, contrary to the recitation of claim 41. It seems that Rothwein simply addresses a way to keep track of objects and their attributes, e.g., a car having a V-8, Turbo 4, Inline 6 motor, that is, e.g., silver, and having appropriately sized wheels. Each object is unique and has no alternatives to it, and as such, there is no association of a taxon identifier with a classification identifier, a relationship attribute, and a second identifier in the database of classification, contrary to the recitation of claim 41.

Hence, Rothwein fails to disclose a database of classifications that accommodates alternative classifications, which includes a reference table and a classification table, as recited in claim 41. And as such, Rothwein cannot determine a classification for an organism based on the name and the database of classifications, contrary to the recitation of claim 41. Rothwein (similarly to Dietzman) presents an unintelligent system of retaining detailed information about objects, such as vehicles. As such, neither Dietzman, nor Rothwein, nor their combination disclose, teach or suggest all elements recited in claim 41. As such, the combination of Rothwein and Dietzman fail to disclose all elements of claim 41, and claim 41 should be allowed.

Further, one having ordinary skill in the art, armed with the knowledge of Dietzman would not look to Rothwein to solve the deficiencies of Dietzman or to yield predictable results, since both references fail to disclose, teach or suggest database of classification that accommodates alternative classifications element recited in claim 41. Additionally, the combination of Dietzman and Rothwein fail to address use of such database and a name of an organism to determine classification for such organism and retrieve information based on at least the name, as recited in claim 41. Instead, the combination of Dietzman and Rothwein results in a system that links natural product images with product data that includes product attributes, however, it fails to provide present invention's classification and/or alternative classification and retrieval of information based on that. Hence, Dietzman, Rothwein, and/or their combination fail to disclose, teach or suggest all elements of claim 41.

Thus, the combination of Dietzman and Rothwein does not render claim 41 obvious. As such, this rejection is respectfully traversed. The Examiner is requested to reconsider and withdraw her rejection of claim 41.

Claims 32-33, 38-40, 42-60, 62-66, and 69-70 are patentable over the combination of Dietzman and Rothwein for at least the reasons stated above with respect to claim 41. Thus, the rejections of claims 32-33, 38-40, 42-60, 62-66, and 69-70 are respectfully traversed. The Examiner is requested to reconsider and withdraw her rejections of claims 32-33, 38-40, 42-60, 62-66, and 69-70.

CONCLUSION

No new matter has been added.

If the Examiner believes that a telephone conference or interview would advance prosecution of this application in any manner, the undersigned stands ready to conduct such a conference at the convenience of the Examiner.

It is believed that no other fees are due in connection with filing this Response. In the event that it is determined that fees are due, however, the Commissioner is hereby authorized to charge the undersigned's Deposit Account No. 50-0311, Attorney Docket No. 24443-501-UTIL.

Respectfully submitted,

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